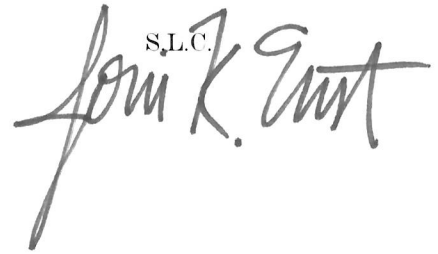


S.L.C.


AMENDMENT NO. _____ Calendar No. _____

Purpose: To amend the Act of August 25, 1958, commonly known as the “Former Presidents Act of 1958”, with respect to the monetary allowance payable to a former President, and for other purposes.

IN THE SENATE OF THE UNITED STATES—115th Cong., 2d Sess.

H. R. 5515

AMENDMENT N^o 2400 for military
 By Ernst for military
 To: Amnt No 2282 the Depart-
 y personnel
 er purposes.

_____ and

14
 Page(s)

GPO: 2016 22-945 (mac)

ERNST to

the amendment (No. 2282) proposed by Mr. INHOFE

Viz:

1 At the end of subtitle F of title X, add the following:

2 **SEC. 1066. PRESIDENTIAL ALLOWANCE MODERNIZATION.**

3 (a) SHORT TITLE.—This section may be cited as the
 4 “Presidential Allowance Modernization Act of 2018”.

5 (b) AMENDMENTS.—

6 (1) FORMER PRESIDENTS.—The first section of
 7 the Act entitled “An Act to provide retirement, cler-
 8 ical assistants, and free mailing privileges to former

1 Presidents of the United States, and for other pur-
2 poses”, approved August 25, 1958 (commonly
3 known as the “Former Presidents Act of 1958”) (3
4 U.S.C. 102 note), is amended—

5 (A) by redesignating subsections (f) and
6 (g) as subsections (h) and (i), respectively;

7 (B) by striking the matter preceding sub-
8 section (e) and inserting the following:

9 “(a) ANNUITIES AND ALLOWANCES.—

10 “(1) ANNUITY.—Each former President shall
11 be entitled to receive from the United States an an-
12 nuity, subject to subsections (b) and (c)—

13 “(A) at the rate of \$200,000 per year; and

14 “(B) which shall commence on the day
15 after the date on which an individual becomes
16 a former President.

17 “(2) ALLOWANCE.—The General Services Ad-
18 ministration is authorized to provide each former
19 President a monetary allowance, subject to appro-
20 priations and subsections (b), (c), and (d), at the
21 rate of—

22 “(A) \$500,000 per year for 5 years begin-
23 ning on the day after the last day of the period
24 described in the first sentence of section 5 of

1 the Presidential Transition Act of 1963 (3
2 U.S.C. 102 note);

3 “(B) \$350,000 per year for the 5 years fol-
4 lowing the 5-year period under subparagraph
5 (A); and

6 “(C) \$250,000 per year thereafter.

7 “(b) DURATION; FREQUENCY.—

8 “(1) IN GENERAL.—The annuity and monetary
9 allowance under subsection (a) shall—

10 “(A) terminate on the date that is 30 days
11 after the date on which the former President
12 dies; and

13 “(B) be payable by the Secretary of the
14 Treasury on a monthly basis.

15 “(2) APPOINTIVE OR ELECTIVE POSITIONS.—
16 The annuity and monetary allowance under sub-
17 section (a) shall not be payable for any period dur-
18 ing which a former President holds an appointive or
19 elective position in or under the Federal Government
20 to which is attached a rate of pay other than a
21 nominal rate.

22 “(c) COST-OF-LIVING INCREASES.—Effective Decem-
23 ber 1 of each year, each annuity and monetary allowance
24 under subsection (a) that commenced before that date
25 shall be increased by the same percentage by which benefit

1 amounts under title II of the Social Security Act (42
2 U.S.C. 401 et seq.) are increased, effective as of that date,
3 as a result of a determination under section 215(i) of that
4 Act (42 U.S.C. 415(i)).

5 “(d) LIMITATION ON MONETARY ALLOWANCE.—

6 “(1) IN GENERAL.—Notwithstanding any other
7 provision of this section, the monetary allowance
8 payable under subsection (a)(2) to a former Presi-
9 dent for any 12-month period—

10 “(A) except as provided in subparagraph
11 (B), may not exceed the amount by which—

12 “(i) the monetary allowance that (but
13 for this subsection) would otherwise be so
14 payable for the 12-month period, exceeds
15 (if at all)

16 “(ii) the applicable reduction amount
17 for the 12-month period; and

18 “(B) shall not be less than the amount de-
19 termined under paragraph (4).

20 “(2) DEFINITION.—

21 “(A) IN GENERAL.—For purposes of para-
22 graph (1), the term ‘applicable reduction
23 amount’ means, with respect to any former
24 President and in connection with any 12-month
25 period, the amount by which—

1 “(i) the earned income (as defined in
2 section 32(c)(2) of the Internal Revenue
3 Code of 1986) of the former President for
4 the most recent taxable year for which a
5 tax return is available, exceeds (if at all)

6 “(ii) \$400,000, subject to subpara-
7 graph (C).

8 “(B) JOINT RETURNS.—In the case of a
9 joint return, subparagraph (A)(i) shall be ap-
10 plied by taking into account both the amounts
11 properly allocable to the former President and
12 the amounts properly allocable to the spouse of
13 the former President.

14 “(C) COST-OF-LIVING INCREASES.—The
15 dollar amount specified in subparagraph (A)(ii)
16 shall be adjusted at the same time that, and by
17 the same percentage by which, the monetary al-
18 lowance of the former President is increased
19 under subsection (c) (disregarding this sub-
20 section).

21 “(3) DISCLOSURE REQUIREMENT.—

22 “(A) DEFINITIONS.—In this paragraph—

23 “(i) the terms ‘return’ and ‘return in-
24 formation’ have the meanings given those

1 terms in section 6103(b) of the Internal
2 Revenue Code of 1986; and

3 “(ii) the term ‘Secretary’ means the
4 Secretary of the Treasury or the Secretary
5 of the Treasury’s delegate.

6 “(B) REQUIREMENT.—A former President
7 may not receive a monetary allowance under
8 subsection (a)(2) unless the former President
9 discloses to the Secretary, upon the request of
10 the Secretary, any return or return information
11 of the former President or spouse of the former
12 President that the Secretary determines is nec-
13 essary for purposes of calculating the applicable
14 reduction amount under paragraph (2) of this
15 subsection.

16 “(C) CONFIDENTIALITY.—Except as pro-
17 vided in section 6103 of the Internal Revenue
18 Code of 1986 and notwithstanding any other
19 provision of law, the Secretary may not, with
20 respect to a return or return information dis-
21 closed to the Secretary under subparagraph
22 (B)—

23 “(i) disclose the return or return in-
24 formation to any entity or person; or

1 “(ii) use the return or return informa-
2 tion for any purpose other than to cal-
3 culate the applicable reduction amount
4 under paragraph (2).

5 “(4) INCREASED COSTS DUE TO SECURITY
6 NEEDS.—With respect to the monetary allowance
7 that would be payable to a former President under
8 subsection (a)(2) for any 12-month period but for
9 the limitation under paragraph (1) of this sub-
10 section, the Administrator of General Services, in co-
11 ordination with the Director of the United States
12 Secret Service, shall determine the amount of the
13 monetary allowance that is needed to pay the in-
14 creased cost of doing business that is attributable to
15 the security needs of the former President.”;

16 (C) by inserting after subsection (c) the
17 following:

18 “(f) OFFICE STAFF.—

19 “(1) IN GENERAL.—The Administrator of Gen-
20 eral Services shall, without regard to the civil service
21 and classification laws, provide for each former
22 President an office staff of not more than 13 indi-
23 viduals, at the request of the former President, on
24 a reimbursable basis.

1 “(2) COMPENSATION.—The annual rate of com-
2 pensation payable to any individual under paragraph
3 (1) shall not exceed the highest annual rate of basic
4 pay for positions at level II of the Executive Sched-
5 ule under section 5313 of title 5, United States
6 Code.

7 “(3) SELECTION; RESPONSIBILITY.—An indi-
8 vidual employed under this subsection—

9 “(A) shall be selected by the former Presi-
10 dent; and

11 “(B) shall be responsible only to the
12 former President for the performance of duties.

13 “(g) OFFICE SPACE AND RELATED FURNISHINGS
14 AND EQUIPMENT.—

15 “(1) OFFICE SPACE.—The Administrator of
16 General Services (referred to in this subsection as
17 the ‘Administrator’) shall, at the request of a former
18 President, on a reimbursable basis provide for the
19 former President suitable office space, as determined
20 by the Administrator, at a place within the United
21 States specified by the former President.

22 “(2) FURNISHINGS AND EQUIPMENT.—

23 “(A) REIMBURSABLE.—The Administrator
24 may, at the request of a former President, pro-
25 vide the former President with suitable office

1 furnishings and equipment on a reimbursable
2 basis.

3 “(B) WITHOUT REIMBURSEMENT.—

4 “(i) GRANDFATHERED FORMER
5 PRESIDENTS.—In the case of any indi-
6 vidual who is a former President on the
7 date of enactment of the Presidential Al-
8 lowance Modernization Act of 2018, the
9 former President may retain without reim-
10 bursement any furniture and equipment in
11 the possession of the former President.

12 “(ii) PRESIDENTIAL TRANSITION
13 ACT.—A former President may retain with-
14 out reimbursement any furniture or equip-
15 ment acquired under section 5 of the Pres-
16 idential Transition Act of 1963 (3 U.S.C.
17 102 note).

18 “(iii) EXCESS FURNITURE AND EQUIP-
19 MENT.—The Administrator may provide
20 excess furniture and equipment to the of-
21 fice of a former President at no cost other
22 than necessary transportation costs.”; and

23 (D) by adding at the end the following:

24 “(j) APPLICABILITY.—Subsections (f), (g) (other
25 than paragraph (2)(B)(i) of that subsection), and (i) shall

1 apply with respect to a former President on and after the
2 day after the last day of the period described in the first
3 sentence of section 5 of the Presidential Transition Act
4 of 1963 (3 U.S.C. 102 note).”.

5 (2) SURVIVING SPOUSES OF FORMER PRESI-
6 DENTS.—

7 (A) INCREASE IN AMOUNT OF MONETARY
8 ALLOWANCE.—Subsection (e) of the first sec-
9 tion of the Former Presidents Act of 1958 is
10 amended—

11 (i) in the first sentence, by striking
12 “\$20,000 per annum,” and inserting
13 “\$100,000 per year (subject to paragraph
14 (4)),”; and

15 (ii) in the second sentence—

16 (I) in paragraph (2), by striking
17 “and” at the end;

18 (II) in paragraph (3)—

19 (aa) by striking “or the gov-
20 ernment of the District of Co-
21 lumbia”; and

22 (bb) by striking the period
23 and inserting “; and”; and

24 (III) by inserting after paragraph
25 (3) the following:

1 “(4) shall, after its commencement date, be in-
2 creased at the same time that, and by the same per-
3 centage by which, annuities of former Presidents are
4 increased under subsection (c).”.

5 (B) COVERAGE OF WIDOWER OF A FORMER
6 PRESIDENT.—Subsection (e) of the first section
7 of the Former Presidents Act of 1958, as
8 amended by subparagraph (A), is amended—

9 (i) by striking “widow” each place it
10 appears and inserting “widow or widower”;
11 and

12 (ii) by striking “she” and inserting
13 “she or he”.

14 (3) SUBSECTION HEADINGS.—The first section
15 of the Former Presidents Act of 1958 is amended—

16 (A) in subsection (e), by inserting after the
17 subsection enumerator the following: “WIDOWS
18 AND WIDOWERS.—”;

19 (B) in subsection (h) (as redesignated by
20 paragraph (1)(A)), by inserting after the sub-
21 section enumerator the following: “DEFINI-
22 TION.—”; and

23 (C) in subsection (i) (as redesignated by
24 paragraph (1)(A)), by inserting after the sub-

1 section enumerator the following: “AUTHORIZA-
2 TION OF APPROPRIATIONS.—”.

3 (4) CONFORMING AMENDMENTS.—

4 (A) TITLE 5.—Subpart G of part III of
5 title 5, United States Code, is amended—

6 (i) in section 8101(1)(E), by striking
7 “1(b)” and inserting “1(f)”;

8 (ii) in section 8331(1)(I), by striking
9 “1(b)” and inserting “1(f)”;

10 (iii) in section 8701(a)(9), by striking
11 “1(b)” and inserting “1(f)”;

12 (iv) in section 8901(1)(H) by striking
13 “1(b)” and inserting “1(f)”.

14 (B) PRESIDENTIAL TRANSITION ACT OF
15 1963.—Section 5 of the Presidential Transition
16 Act of 1963 (3 U.S.C. 102 note) is amended by
17 striking the last sentence.

18 (c) RULE OF CONSTRUCTION.—Nothing in this sec-
19 tion or an amendment made by this section shall be con-
20 strued to affect—

21 (1) any provision of law relating to the security
22 or protection of a former President or a member of
23 the family of a former President;

1 (2) funding, under the Former Presidents Act
2 of 1958 or any other law, to carry out any provision
3 of law described in paragraph (1); or

4 (3) funding for any office space lease in effect
5 on the day before the date of enactment of this Act
6 under subsection (c) of the first section of the
7 Former Presidents Act of 1958 (as in effect on the
8 day before the date of enactment of this Act) until
9 the expiration date contained in the lease, if the
10 lease was submitted to the Committee on Oversight
11 and Government Reform of the House of Represent-
12 atives on April 12, 2017.

13 (d) TRANSITION RULES.—

14 (1) FORMER PRESIDENTS.—In the case of any
15 individual who is a former President on the date of
16 enactment of this Act, the amendments made by sec-
17 tion subsection (b)(1) shall be applied as if the com-
18 mencement date referred in subsections (a)(1)(B)
19 and (a)(2)(A) of the first section of the Former
20 Presidents Act of 1958, as amended by subsection
21 (b)(1), coincided with the date that is 180 days after
22 the date of enactment of this Act.

23 (2) WIDOWS.—In the case of any individual
24 who is the widow of a former President on the date
25 of enactment of this Act, the amendments made by

1 subsection (a)(2)(A) shall be applied as if the com-
2 mencement date referred to in subsection (e)(1) of
3 the first section of the Former Presidents Act of
4 1958, as amended by subsection (b)(2)(A), coincided
5 with the date that is 180 days after the date of en-
6 actment of this Act.

7 (e) APPLICABILITY.—For a former President receiv-
8 ing a monetary allowance under the Former Presidents
9 Act of 1958 on the day before the date of enactment of
10 this Act, the limitation under subsection (d)(1) of the first
11 section of that Act, as amended by subsection (b)(1), shall
12 apply to the monetary allowance of the former President,
13 except to the extent that the application of the limitation
14 would prevent the former President from being able to pay
15 the cost of a lease or other contract that is in effect on
16 the day before the date of enactment of this Act and under
17 which the former President makes payments using the
18 monetary allowance, as determined by the Administrator
19 of General Services.